



HOME RULE CHARTER

**CITY OF CLEVELAND
HOME RULE CHARTER**

AS AMENDED MAY 1, 1993

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ARTICLE I

FORM OF GOVERNMENT AND BOUNDARIES

SECTION

1.01 FORM OF GOVERNMENT:

The municipal government provided by this charter shall be known as the “Council—Manager Government”. Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state and by this charter, all powers of the City shall be vested in an elective council, hereinafter referred to as the “City Council”, which shall enact local legislation, adopted budgets, determine policies and appoint the City Manager, who in turn shall execute the laws and administer the government of the City. All powers of the City shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the state constitution or the statutes of the state.

SECTION

1.02 THE BOUNDARIES:

The boundaries of the City of Cleveland shall be the same as have heretofore been established and they existed on January 1, 1981, which boundaries are more fully described by metes and bounds in a document titled “Boundaries of the Corporate Limits of the City of Cleveland, Liberty County, Texas” which is filed in the City Hall of the City of Cleveland, and entered in the minute book.

SECTION

1.03 EXTENSION OF BOUNDARIES:

The City Council may, by Ordinance, Annex Territory lying adjacent to the city limits, with or without the consent of the inhabitants or owners thereof and subject only to such procedural rules as may be prescribed by Chapter 43 of the Local Government Code of the State of Texas entitled Municipal Annexation, as it now exists, is hereinafter amended. (As amended 8/12/89)

ARTICLE II

POWERS OF THE CITY

SECTION

2.01 GENERAL:

The City of Cleveland may use a corporate seal; may sue and be sued; may contract and be contracted with; may plead and be impleaded in all courts in all matters whatsoever; may cooperate with the government of the State of Texas or any agency thereof, the Federal Government or any agency thereof, or any political subdivision of the State of Texas; and shall have all the powers granted to cities by the constitution and laws of the State of Texas, together with all the implied powers necessary to carry into execution all the powers granted. The City may acquire property within or without its boundaries for any municipal purpose in fee simple or in any lesser interest or estate, by purchase, gift, devise, lease, or condemnation and may sell, lease, execute oil, gas, and mineral leases, hold, manage and control any property now owned by it or which it may hereafter acquire; and may construct, own, lease, operate, and regulate public utilities; may assess, levy and collect taxes for general and special purposes of all lawful subjects on taxation; may borrow money on the faith and credit of the City by the issuance and sale of bonds or notes of the City; may appropriate the money of the City for all lawful purposes; may regulate and control the use, for whatever purpose, of the streets and other public places; may make and enforce all police, health, sanitary, and other regulations; and may pass such ordinances as may be expedient for the protection and maintenance of good government, peace and welfare of the City, for the performance of the functions thereof, for the order and security of its residents; and may provide suitable penalties for the violation of any ordinance enacted by the City of Cleveland; and, except as prohibited by the constitution and laws of this State or restricted by this charter, the City may exercise all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

SECTION

2.02 GENERAL POWERS ADOPTED:

The enumeration of the particular powers in this charter shall not be held or deemed to be exclusive but in addition to the powers enumerated herein or implied hereby or appropriated to the exercise of such powers, the City shall have and may exercise all power of local self-government and all powers which, under the constitution and laws of the State of Texas, it would be competent for this charter specifically to enumerate. The City of Cleveland shall have and may exercise all the powers enumerated in Article 1175, Chapter 13, Title 28, of the Revised Civil Statutes of the State of Texas of 1925 as now or hereafter amended.

ARTICLE III
THE CITY COUNCIL

SECTION

3.01 NUMBER SELECTION AND TERM:

The legislative and governing body of the City shall consist of a Mayor and five (5) Council members and shall be known as the “City Council of the City of Cleveland.”

- (a) The Mayor and other members of the City Council shall be elected from the City at large and the City Council shall be elected by position.
- (b) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City Government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote on matters under consideration by the City Council only in the event of a tie vote among the City Council.
- (c) No person shall be elected to more than three (3) consecutive regular two (2) year terms as a Council member or Mayor.

SECTION

3.02 QUALIFICATIONS:

The Mayor shall be a resident citizen of the City of Cleveland, at least twenty-one (21) years of age, and a qualified voter of the State of Texas: and shall have been a resident of the City of Cleveland for a period of not less than twelve (12) months immediately preceding his election, and shall not be indebted to the City of Cleveland.

Each Councilman shall be a resident citizen of the City of Cleveland, at least twenty-one (21) years of age, and shall have been a resident of the City of Cleveland for a period of at least twelve (12) months immediately preceding the election, shall be a qualified voter of the State of Texas, and shall not be indebted to the City of Cleveland. If the Mayor or any Council member fails to maintain the foregoing qualifications or shall be absent from three consecutive regularly scheduled meetings without valid excuse, or shall move from the legally established boundaries of the City of Cleveland, the City Council must at its next regular meeting declare a vacancy to exist and shall fill said vacancy as set forth in Section 3.06 of this charter.

SECTION

3.03 COUNCIL TO BE JUDGE OF ELECTION AND QUALIFICATIONS:

The City Council shall be the judge of the election and qualifications of its own members and other elected officials of the City.

SECTION

3.04 COMPENSATION:

The annual salary of the Councilmen shall be \$300.00, the annual salary of the Mayor shall be \$600.00, until changed by ordinance, but shall not be increased during the current term of Council member enacting such ordinance.

SECTION

3.05 MAYOR PRO-TEM:

The City Council, at its first meeting after election of Councilmen, shall elect one of its Council members Mayor Pro-Tern, and he shall perform all duties of the Mayor in the absence or disability of the Mayor.

SECTION

3.06 VACANCIES:

In Case of a vacancy in the office of the Mayor or any Council member, by refusal to accept or failure to qualify, or by death, resignation, or otherwise, the vacancy shall be filled by appointment by the Mayor with Council approval.

- (a) If any city officers, elective or appointive, shall announce their candidacy, or shall in fact become a candidate, in any general, special or primary election for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one (1) year, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office is filled.

SECTION

3.07 POWERS OF THE CITY COUNCIL:

All powers of the City and the determination of all matters of policy shall be vested in the City Council. Without limitation of the foregoing, the Council shall have power to:

- (a) Remove from any office or position of employment in the City Government any officer or employee or member of any board or commission appointed by the Council.
- (b) Establish, consolidate or abolish administrative departments and distribute the work of divisions.
- (c) Adopt the budget of the City.
- (d) Incur City debt obligations by the issuance of Bonds, credit purchases, obtaining loans with Certificates of Obligation and other lawful borrowing practices. Such obligations shall be subject to the following conditions:
 - (1) No bonds, except refunding bonds, shall be issued without first being approved by the citizens of the City of Cleveland in an election for that purpose which stipulates on the ballot the total dollar amount of the bonds to be issued and either the general or specific purpose for which the proceeds are to be used. (As amended 5/1/93)
- (e) Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs.
- (f) Provide for and/or terminate such additional boards and commission, not otherwise provided for in this Charter, as may be deemed necessary, and appoint the members of all such boards and commissions. Such boards and commissions shall have all powers and duties now or hereafter conferred and created by this Charter, by City Ordinance or by law.
- (g) Adopt and modify the official map of the City.
- (h) Adopt and modify a plan for the improvement and re-development of any area or district which may have been destroyed in whole or in part by disaster.
- (i) Regulate, license and fix the charges or fare made by any person, firm or corporation owning, operating or controlling any vehicle of any character used for the carrying of passengers for hire or the transportation of freight for hire on public streets and alleys of the City.

- (j) Provide for the establishment and designation of the fire limits and prescribe the kind and character of building of structures of improvements to be erected therein, and provide for the erection of fireproof buildings within said limits, and provide for the condemnation of dangerous structures or buildings or dilapidated buildings or buildings or utilities calculated to increase the fire hazard and the manner of their removal or destruction within said limits.
- (k) Fix the salaries and compensation of the City officer and employees.
- (l) Provide for a sanitary sewer and water system and require property owners to make connections of such sewers with their premises.
- (m) Provide for sanitary garbage disposal and set fees and charges therefore, and provide for failure to pay such fees and charges.
- (n) The City of Cleveland shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, discontinue, abolish, close, sell, convey, care for, pave, supervise, maintain and improve streets, alleys, sidewalks, parks, squares, public places, and bridges; and regulate the use thereof and require the removal from streets, sidewalks, alleys, and other public property or places of all obstructions and encroachments of every nature or character thereon.
- (o) Exercise exclusive dominion, control and jurisdiction including the right to close and abandon streets and alleys in, upon, over, and under the public streets, avenues, sidewalks, alleys, •highways, boulevards, and public grounds of the City and provide for the improvements of same as provided in Article 1105b, Chapter 9, Title 28, of the Revised Civil Statutes of the State of Texas of 1925, as now or hereafter amended.
- (p) Define all nuisances and prohibit the same within the City and outside the city limits for a distance of five thousand feet; to police all parks or grounds, speedways, or boulevards owned by the City and laying outside of the City, to prohibit the pollution of any stream, drain or tributaries thereof, which may constitute the source of water supply of the City and to provide for policing the same as well as to provide for the protection of any water sheds and the policing of same; to inspect dairies, slaughter pens and slaughter houses inside or outside of city limits, from which meat or milk is furnished to the inhabitants of the City.
- (q) Compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City of Cleveland.

SECTION

3.08 MEETINGS OF THE CITY COUNCIL:

The City Council shall hold at least one regular meeting in each month at a time to be fixed by ordinance, and may hold as many additional meetings during the month as may be necessary for the transaction of the business of the City and its citizens. All meetings of the City Council shall be public except where authorized by law and shall be held at the City Hall, except that the City Council may designate another place for such meetings after publishing the notice thereof in one issue of a paper in general circulation in the City of Cleveland. The Mayor or any two members of the City Council may call special meetings of the City Council at any time.

SECTION

3.09 PROCEDURES FOR PASSAGE OF ORDINANCES:

- (a) The enacting clause of every Ordinance shall be:
“BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND.” Ordinances shall be introduced in the City Council only in written or printed form. Ordinances making appropriations shall be confined to the subject of appropriations. Ordinances shall be read in full prior to any vote on their enactment unless a written or printed copy thereof shall have been furnished to each member of the City Council present for the vote at least ten (10) hours prior to the vote. Ordinances which do not levy a fine or penalty shall be read at two separate regular meetings unless the requirement for reading on two separate regular meetings is dispensed with by an affirmative vote of all Council—members present. All Ordinances which levy a fine or penalty shall without exception be passed at two separate regular meetings and after the passage at the first of the two regular meetings the Ordinance shall be published in two successive issues of a newspaper of general circulation in the City of Cleveland in full or in a descriptive caption or title stating in summary the general purpose of the ordinance and the fine or penalty for violation thereof. Following the first passage when presented at a regular meeting of the City Council and the publication as prescribed above, the ordinance may be finally enacted at the next regular City Council meeting by receiving an affirmative vote of a Majority of the members of the City Council present.
- (b) The Mayor shall have the power to propose an emergency ordinance either a regular City Council meeting or a special meeting of the City Council called for such emergency. An emergency ordinance shall stipulate that it is an emergency ordinance. An emergency ordinance shall be read in its entirety when presented to the Council members.

Provided all Council members present vote in favor of an emergency ordinance, the ordinance will become effective immediately. As soon as possible after passage, the emergency ordinance shall be published in its entirety, one time, in a newspaper of general circulation in the City of Cleveland. All such emergency ordinances shall be effective for Ninety (90) days only.”

SECTION

3.10 AUDIT AND EXAMINATION OF CITY BOOKS AND ACCOUNTS:

The City Council shall cause an annual audit to be made of the books and accounts of each and every department of the City. At the close of each fiscal year a complete audit shall be made by a Certified Public Accountant who shall be selected by the City Council, and such audit shall include a recapitulation of all audits made during the course of each fiscal year, and all audit reports shall be filed with the City Council, shall be available for public inspection and shall be made a part of the archives of the City. Such accountant, so selected, shall not be a regular employed or salaried employee of the City.

ARTICLE IV

ADMINISTRATIVE SERVICES

SECTION

4.01 CITY MANAGER:

- (a) **Appointments and Qualifications:** The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. He shall be chosen by the City Council solely on the basis of his executive and administrative training, experience and ability, and need not, when appointed, be a resident of the City of Cleveland. No member of the City shall, during the time for which he is elected and for one year thereafter, be appointed City Manager.
- (b) **Term and Salary:** The City Manager shall not be appointed for a definite term, but may be removed at the will and pleasure of the City Council by a vote of the majority of the entire Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. In case of the absence or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during such absence or disability. The City Manager shall receive such compensation as may be fixed by the Council.
- (c) **Powers and Duties of the City Manager:**
 - (1) Appoint and remove any employee of the City, except as otherwise provided by this Charter.
 - (2) Prepare the budget annually and submit it to the City Council, and be responsible for its administration after adoption.
 - (3) Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
 - (4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem proper.

- (5) Perform such duties as may be prescribed by this Charter or may be required of him by the City Council, not inconsistent with this Charter.
- (6) Within a reasonable time after assumin9 office, the City Manager shall reside in the City limits of Cleveland.

SECTION

4.02 OTHER DEPARTMENTS:

The City Council may abolish or consolidate such offices and departments as it may deem to be to the best interest of the City, and may divide the administration of any such departments as it may deem advisable; may create new departments, and may discontinue any offices or departments at its discretion, except those specifically established by this charter.

ARTICLE V

NOMINATIONS AND ELECTIONS

SECTION

5.01 ELECTIONS:

The regular City Election shall be held annually on the first Saturday in April, at which time officers will be elected to fill those offices which become vacant that year. The City Council shall fix the place of holding such election. The City Council, may, by resolution, order a special election, fix the time and place for holding same and provide all means for holding such special election.

SECTION

5.02 REGULATION OF ELECTIONS:

The City Council shall make all regulations which it considers needful or desirable, not inconsistent with this charter or the Laws of the State of Texas for the conduct of Municipal Elections.

SECTION

5.03 FILING FOR OFFICE:

Any person having the qualifications set forth for Councilmember under Section 3.02 of this Charter shall have the right to file an application to have his name placed on the official ballot as a candidate for any elective office, and such application in writing signed by such candidate and accompanied by his loyalty affidavit as prescribed by V.A.T.S. Election Code, Article 6.02, filed with the Mayor or City Secretary not less than thirty days in computing said (30 days , the date of filing and the date of the election shall not be counted) prior to the date of election, shall entitle such applicant to a place on the official ballot.

SECTION

5.04 THE OFFICIAL BALLOT:

The names of all candidates for office, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots without party designations in the order determined in a drawing of lots conducted by the City Secretary in presence of all candidates requesting to be present. All official ballots shall be printed at least twenty days prior to the date of any general or special election, and absentee voting shall be governed by the general election laws of the State of Texas.

SECTION

5.05 ELECTION BY MAJORITY:

No person shall be declared elected for any office unless he has a majority of all the votes cast at such election for all candidates for such office. If, at such election, no candidate is elected by a majority vote for any office, a second election shall be held between 30 and 45 days after said first election, and only the name of the two (2) candidates who received the highest number of votes for any office for which nomination was made at the regular city election shall be placed on the official ballot as candidates for such office at such second election provided that in case no one received a majority in the first election and if the second and third highest candidates in that race shall be tied, these two (2) shall cast lots under the direction of the City Council to see which of the two (2) shall have his name printed on the second election ballots.

ARTICLE VI

MUNICIPAL FINANCE

SECTION

6.01 FISCAL YEAR:

The fiscal year of the City of Cleveland shall be determined by the City Council. Such fiscal year shall also constitute the budget and accounting year.

SECTION

6.02 PREPARATION AND SUBMISSION OF BUDGET:

The City Manager, between sixty and ninety days prior to the beginning of each fiscal year shall submit to the Council a proposed budget, which budget shall provide a complete financial plan for the fiscal year, and shall contain the following:

- (a) A budget message, explanatory of the budget, which message shall contain an outline of the proposed financial policies of the City for the fiscal year, shall set forth the reasons for salient changes from the previous fiscal year in expenditure and revenue items, and shall explain any major changes in financial policy.
- (b) A consolidated statement of anticipated receipts and proposed expenditures for all funds.
- (c) An analysis of property valuations.
- (d) An analysis of tax rate.
- (e) Tax levies and tax collections by years for at least the five years immediately preceding.
- (f) General fund resources in detail.
- (g) Special fund resources in detail.
- (h) Summary of proposed expenditures by function, department, and activity.
- (i) Detailed estimates of expenditures shown separately for each activity to support the summaries.

- (j) A description of all bond issues outstanding, showing rate of interest, date of issue, maturity date, amount authorized, amount issued and amount outstanding.
- (k) A schedule of requirements for the principal and interest of each issue of bonds.
- (l) The Appropriation ordinance.
- (m) The tax levying ordinance.
- (n) Anticipated revenues and proposed expenditures compared with other years. The City Manager in the preparation of the budget shall show in parallel columns opposite the various properly classified items of revenues and expenditures, the actual amount of such items for the last completed fiscal year, the estimated amount for the current fiscal year and the proposed amount for the ensuing fiscal year.

SECTION

6.03 EMERGENCY APPROPRIATIONS:

The City budget may be amended and appropriations altered in accordance therewith in cases of public necessity, the actual fact of which shall have been declared by the City Council.

SECTION

6.04 TAXES: WHEN DUE AND PAYABLE:

All taxes due the City of Cleveland shall be payable at the office of the City Assessor-Collector and may be paid at any time after the tax rolls for the year have been completed and approved, which shall be not later than October 1. Taxes shall be paid on or before February 1st of the year following assessment, and all such taxes not paid prior to such date shall be deemed delinquent and shall be subject to such penalty and interest as the City Council may provide by ordinance. The City Council may provide further by ordinance that all taxes, either current or delinquent, due the City of Cleveland may be paid in installments; however, the City Council shall be prohibited from waiving penalties or interest, or allowing discounts. Failure to levy and assess taxes through omission in preparation of the approved tax rolls shall not relieve the person, firm, or corporation so omitted from obligation to pay such current or past due taxes as shown to be payable by recheck of the rolls and receipts for the years in question.

ARTICLE VII

FRANCHISE AND PUBLIC UTILITIES

SECTION

7.01 FRANCHISE: POWER OF CITY COUNCIL:

The City Council shall have power by ordinance to grant, amend, renew, and extend all franchises of all public utilities of every character operating within the City of Cleveland. All ordinances granting, amending, renewing, or extending franchises for public utilities shall be read at two separate regular meetings of the City Council, and shall not be finally passed until thirty (30) days after the first reading, and no such ordinance shall take effect until thirty (30) days after its final passage; and pending such time the full text of such ordinance shall be published once each week for four (4) consecutive weeks in a newspaper of general circulation in the City of Cleveland, and the expense of such publication shall be borne by the proponent of the franchise. No public utility franchise shall be granted for a term of more than twenty (20) years, nor be transferable except with the approval of the City Council expressed by ordinance.

ARTICLE VIII
GENERAL PROVISIONS

SECTION

8.01 PERSONAL INTEREST IN CITY CONTRACT:

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or shall be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or service, except on behalf of the City as an officer or employee. Any willful violation of this section shall constitute malfeasance in office and any officer or employee guilty thereof shall be subject to removal from his office or position. Any violation of this section, with the knowledge, expressed or implied, of the person or corporation contracting with the Council shall render the contract involved void able by the City Manager or the Council.

SECTION

8.02 SEPARABILITY CLAUSE:

If any section or part of section of this charter shall be held invalid by a Court of competent jurisdiction, such holding shall not affect the remainder of this charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION

8.03 EFFECT OF THIS CHARTER ON EXISTING LAW:

All ordinances, resolutions, rules, and regulations now in force under the City Government of Cleveland and not in conflict with the provisions of this Charter, shall remain in force under this charter until altered, amended or repealed by the Council after this charter takes effect; and all rights of the City of Cleveland under existing franchises and contract are preserved in full force and effect to the City of Cleveland.

SECTION

8.04 INTERIM MUNICIPAL GOVERNMENT:

From and after the date of the adoption of this charter, the persons then filling elective offices will continue to fill those offices for the terms of which they were elected. Thereafter, the City Council shall be elected as provided in Section 3.01 of this charter. Persons, who on the date this charter is adopted, are filling appointive positions with the City of Cleveland which are retained under this charter, may continue to fill these positions for the term for which they were appointed, unless removed by the City Council or by other means provided for in this charter.~ Persons who, on the effective date of this charter, are filling elective offices, that by this charter are made appointive offices shall continue to serve in those offices for the term for which they were appointed, unless removed by the City Council or by other means provided for in this charter or until their successor is duly elected as provided for in this charter.

All rights, claims, orders, contract, and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the City department, office or agency appropriate under this charter.

The budget in effect immediately preceding the adoption of this charter shall remain in effect for the balance of the fiscal year and until such time as a new budget is adopted for the next succeeding year.

SECTION

8.05 CHARTER REVIEW COMMISSION:

The City Council shall appoint at its first regular meeting in January of each odd numbered year, a Charter Review Commission of five citizens of the City of Cleveland.

- (a) Duties of the Commission: It shall be the duty of each Charter Review Commission to:
 - (1) Inquire into the operations of the City Government under the Charter provisions and determine whether any such provisions require revision. To this end public hearings may be held; and the commission shall have the power to compel the attendance of any officer or employee of the City and to require the submission of any of the City records which it may deem necessary to the conduct of such hearing;

- (2) Propose any recommendations it may deem desirable to insure compliance with the provisions of the charter by the several departments of the City Government;
- (3) Propose, if it deems desirable, amendments to this charter to improve the effective application of said charter to current conditions;
- (4) Report its findings and present its proposed amendments, if any, to the City Council.
 - (b) Action by the City Council: The City Council shall receive and have published in a newspaper of general circulation in the City of Cleveland any report presented by the Charter Review Commission, shall consider any recommendations made, and if any amendment or amendments be presented as a part of such report, may order such amendment or amendments to be submitted to the voters of the City in the manner provided by Chapter 13 of Title 28 of the Revised Civil Statutes of Texas, 1925, as now or hereafter amended.
 - (c) Term of Office: The term of office of such Charter Review Commission shall be six months, and, if during such term no report is presented to the City Council, then all records of the proceedings of such Commission shall be filed with the person performing the duties of City Secretary and shall become a public record.

ARTICLE IX

INITIATIVE, REFERENDUM AND RECALL

SECTION

9.01 POWER OF INITIATIVE:

The people of the City reserve the power of direct legislation by initiative, and in the exercise of such power may propose any ordinance not in conflict with this Charter or the Constitution or the Statutes of the State of Texas. Any initiated ordinance may be submitted to the Council by a petition signed by at least twenty-five (25) percent of the number of votes cast in the last regular city election or two hundred fifty (250) whichever is greater.

SECTION

9.02 POWER OF REFERENDUM:

The people of the City reserve the power to approve or reject at the polls any legislation enacted by a City Council of the City of Cleveland except where explicitly prohibited by this Charter or the Constitution or the Statutes of the State of Texas or were approved by the voters when originally enacted. A petition signed by at least twenty-five (25) percent of the number of votes cast in the last regular city election or two hundred fifty (250) whichever is greater may be filed with the City Secretary requested that any such ordinance be either repealed or submitted to a vote of the people. When such a petition has been certified in writing as sufficient by the City Secretary, the ordinance specified in the petition shall not go into effect, or further action thereon shall be suspended if it shall have gone into effect, until and unless it is approved by the voters as herein provided.

SECTION

9.03 FORM OF PETITION:

An initiative petition shall contain the full text of the proposed ordinance, including a descriptive caption. A referendum petition shall contain a descriptive caption or title of the ordinance sought to be referred. The signatures to an initiative or referendum petition need not be all appended to one paper, but each signer's name shall be printed and signed with usual signature in ink, together with a notation showing the signer's address that appears on the signer's voter registration certificate or such other document as shall be prescribed by the laws of the State of Texas. No signature shall be counted where there is reason to believe it is not the actual signature of the purported signer or that it is a duplication either of the name or of handwriting used in any other signature on the petition.

No signature shall be counted unless the residence of the signer is shown. Before the signatures on any petition may be counted, a qualified voter shall make oath before the City Secretary or other officer competent to administer oaths that the statements made therein are true; that each signature to the paper appended was purported to be and believed to be the genuine signature of the person whose name is signed thereto; and that such signatures were placed thereon in the presence of the affiant. Each such petition shall state the name and address of the petitioner. The provisions of this Article governing the form of petition papers shall separately apply to each counterpart of the petition if such petition is executed in counterparts.

SECTION

9.04 FILING, EXAMINATION AND CERTIFICATION OF PETITIONS:

Within thirty (30) days after an initiative or referendum petition is filed, the City Secretary shall examine the petition and certify as to its sufficiency. The City Secretary shall declare void any petition which does not have an affidavit attached thereto as required in Section 9.03 of this Article. In examining the petition, the City Secretary shall write the letters "D.V." (declared void) in red ink opposite the name of signatories found not qualified. If the City Secretary certifies the petition as insufficient, the City Secretary shall notify the petitioner in writing. Such insufficient petition may be amended within forty-five (45) days from the date the petitioner is notified by the City Secretary by submitting a supplementary petition upon additional papers signed and filed as provided for the original petition. Within thirty (30) days after such amended petition is filed, the City Secretary shall examine the amended petition and certify as to its sufficiency. If the amended petition is then found to be insufficient, no further proceedings shall be had with regard to it for a period of six (6) months. The City Secretary shall report the status of any petition to the Council at each regular Council meeting.

SECTION

9.05 COUNCIL CONSIDERATION AND SUBMISSION TO VOTERS:

When the council receives an initiative petition certified in writing by the City Secretary to be sufficient, the Council shall either (a) pass the initiated ordinance without amendment, at the next one or two regular sessions as required of the Council, after the date of presentation of written certification to the Council; or (b) submit said initiated ordinance without amendment to a vote of the qualified voters of the City at a regular or special election to be held on the first election day permitted by law which is not less than thirty (30) days after the date of presentation of written certification to the Council; or (submit to a vote of the qualified voters of the City said initiated ordinance, without amendment, and an alternative ordinance on the same subject proposed by the Council.

Should both such ordinances be approved by a majority of the votes cast at such election, the ordinance receiving the higher number of votes shall become effective as an ordinance of the City; the other ordinance shall be deemed rejected and shall not become effective.

When the Council receives a referendum petition certified in writing by the City Secretary to be sufficient, the Council shall reconsider the referred ordinance. If upon reconsideration such ordinance is not repealed at the next one or two regular sessions as required of the Council, it shall be submitted to the qualified voters of the City at a regular or special election to be held on the first election day permitted by law which is not less than thirty (30) days after the date of presentation of written certification to the Council.

Special elections on initiated or referred ordinances shall not be held more frequently than once each six months. Any number of ordinances may be voted on at the same election in accordance with the provisions of this Article.

SECTION

9.06 RESULTS OF ELECTION:

If a majority of the votes cast is in favor of an initiated ordinance, it shall thereupon be effective as an ordinance of the City. A referred ordinance which is rejected by a majority of the votes cast in a referendum election shall be deemed thereupon repealed.

No ordinance on the same subject as an initiated ordinance which has been defeated or on the same subject as a referred ordinance which has been approved at any election may be initiated or referred by the voters within two years from the date of such election.

No ordinance on the same subject as an initiated ordinance which has been approved or on the same subject as a referred ordinance which has been defeated at an election may be enacted by the City Council within two years from the date of such election.

SECTION

9.07 POWER OF RECALL:

The people of the City reserve the power to recall any elected officer of the City and may exercise such power by filing with the City Secretary a petition, signed by at least twenty-five (25) percent of the number of votes cast in the last regular City election or two hundred fifty (250) whichever is greater, demanding the removal of such elected officer. The petition shall be signed and verified in the manner required for an initiative petition.

SECTION

9.08 RECALL ELECTION:

The provisions of this Article regulating filing, examination, certification and amendment of initiative petitions shall apply to recall petitions. If the petition is certified in writing by the City Secretary to be sufficient, the Council shall order and hold an election within forty-five (45) days to determine whether such officer shall be recalled.

SECTION

9.09 RESULTS OF RECALL ELECTION:

If the majority of the votes cast in a recall election are for the recall of the officer named on the ballot, the office shall be vacant and shall be filled as specified by this Charter. An officer thus removed shall not be eligible to hold elective or appointive office in the City for a period of two years from the date of his recall election.


SECTION

9.10 LIMITATION ON RECALL:


No recall petition shall be filed against an officer within six months after he takes office, and no officer shall be subjected to more than one recall election during his current term of office.

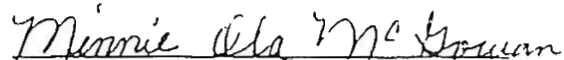
We, the undersigned members of the Home Rule Charter Commission, duly elected as such Charter Commission in accordance with the Revised Civil Statutes of the State of Texas, on January 17, 1981, have in accordance with law, framed the Charter for the City of Cleveland, State of Texas, and herewith respectfully request that the Honorable City Council of the City of Cleveland submit the proposed charter as framed by the Charter Commission to the qualified voters of the City of Cleveland, at an election to be held on April 4, 1981, said election to be called in accordance with the elections laws of the State of Texas, and that such other action be taken by the Honorable City Council as required by law in the submission of said charter.

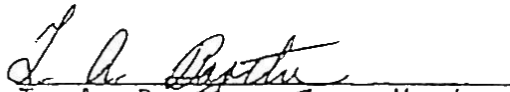
Respectfully Submitted,


Earl J. Wood Chairman

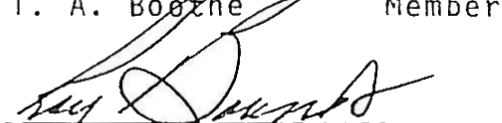

Wendell Kelley Member


Joe Bazar Member


Minnie Ola McGowan Member

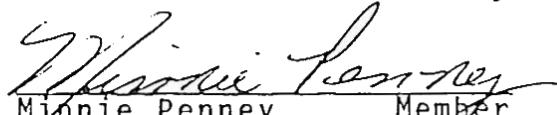

T. A. Boothe Member

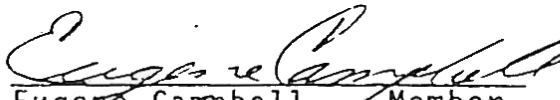

Eleanor McKellar Member


Ray Bounds Member


Loretta McKinney Member

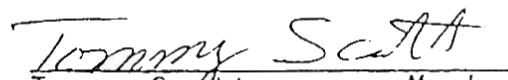

Richard Boyett Member


Minnie Penney Member


Eugene Campbell Member


Joe Roark Member


Kerry Gatter Member


Tommy Scott Member


Elton Williams Member

TO:

The City Council

City of Cleveland

FROM:

The Charter Review Committee - 1993

Waymon Foster - Chairman

REPORT NO. 1

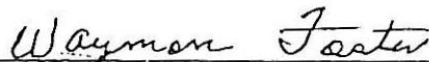
We, the Charter Review Committee - 1993, hereby present the attached four amendment recommendation to the City Council.

It is requested that the four amendments be published as soon as possible and that these four amendments be placed on the ballot of the City Election to be held May 1, 1993.

We believe these amendments will improve the City Government of Cleveland by bringing it closer and more responsive to the people and thereby provide a better government for the people for which it exists.

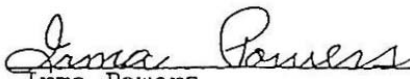
These four amendments are respectfully submitted and we request positive action on them as soon as possible.

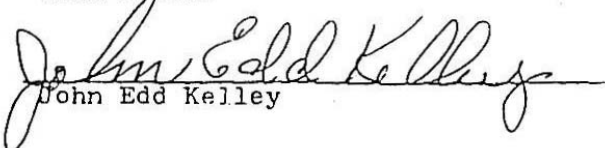
THE CHARTER REVIEW COMMITTEE - 1993


Waymon Foster - Chairman


Ted Younger


Edd Davis


Irma Powers


John Edd Kelley